

## REMARKS

### ELECTION/RESTRICTIONS

Applicant hereby affirms the provisional election of Group I (Claims 1-18 and 28) without traverse, made on September 25, 2003. No further elaboration is believed necessary.

### STATUS OF THE CLAIMS

Claims 1-28 are pending. New claims 29-33 have been submitted for consideration. Claims 1, 5, 14, 15 and 28 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in this or another application. Claims 19-27 have been withdrawn from consideration.

For convenience and clarity, independent claims 1, 14 and 28 have each been cancelled and new, independent claims 29, 31 and 33 have been submitted for consideration. Support for new claims 29, 31 and 33 can be found in the specification as filed. Dependent claims 2-4, 6-13 and 16-18 have been amended as indicated by the *Listing of Claims* section of this amendment in accordance with the submission of new independent claims 29, 31 and 33.

Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

### OFFICE ACTION

#### REJECTIONS UNDER 35 U.S.C. § 102(b)

(1) Claims 1-3, 5-8, 10-18 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bratt (U.S. Patent No. 4,744,900). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

(quoting *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Without conceding the propriety of the rejection, claims 1, 5, 14, 15 and 28 have been cancelled rendering this rejection moot with respect to these claims. Moreover, as previously discussed above, for purposes of clarity and for the convenience of the Examiner, new independent claims 29, 31 and 33 have been submitted for consideration. Claims 29 and 31 recite, for example, a cover that extends between at least a portion of the motor assembly and at least a portion of the seal pedestal, and a speed reducer disposed within the cover. Claims 2, 3, 6-8 and 10-13 depend either directly or indirectly from claim 29 while claims 16-18 depend either directly or indirectly from claim 31.

Applicant respectfully submits that Bratt fails to disclose at least these aspects of claims 29 and 31 and therefore fails to anticipate these claims.

Accordingly, Applicant respectfully requests that this 102(b) rejection to claims 1-3, 5-8, 10-18 and 28 be withdrawn.

(2) Claims 1-3, 5, 7, 11, 14-18 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by King (U.S. Patent No. 2,801,040). Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claims 1, 5, 14, 15 and 28 have been cancelled rendering this rejection moot with respect to these claims. Claims 2, 3, 7 and 11 depend from new claim 29 and therefore recite a cover that extends between a portion the motor assembly and a portion of the seal pedestal with a speed reducer disposed therein. Similarly, claims 16-18 depend from new claim 31 and therefore recite a cover that extends between a portion the motor assembly and a portion of the seal pedestal with a speed reducer disposed

therein. Therefore, Applicant respectfully submits that King fails to disclose at least these features, and therefore, King fails to anticipate claims 2, 3, 7, 11, 16 and 18.

Accordingly, withdrawal of this rejection to claims 1-3, 5, 7, 11, 14-18 and 28 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a)

(1) Claims 4 and 9 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Bratt (U.S. Patent 4,744,900). Applicant respectfully traverses this rejection.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

As previously described in connection with the 102(b) rejections of the Office Action, claim 29, and therefore dependent claims 4 and 9 recite a cover that extends between a portion the motor assembly and a portion of the seal pedestal with a speed reducer disposed therein.

Bratt fails to disclose at least theses features of claims 4 and 9 and therefore Bratt fails to teach or suggest all of the features of claims 4 and 9. Accordingly, Applicant respectfully submits that a prima facie case of obviousness has not been established and withdrawal of this rejection is respectfully requested.

CONCLUSION

New claims 29-33 have been added. Support for these claims can be found in the specification as originally filed. It is believed that these claims put the application in condition for allowance. Consideration of these claims is respectfully requested.

No extension-of-time fee or other fees are believed due. However any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account Number 50-2036.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1714.

Respectfully submitted,

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